

OGC Has Reviewed

16 APR 1976

MEMORANDUM FOR: Director of Central Intelligence

FROM: John F. Blake
Deputy Director for Administration

SUBJECT: Disposition of Agency Records

Sir:

1. The Office of General Counsel (OGC) has reviewed the laws on record retention and disposal and concluded that "legally the Agency is subject to the same laws on this subject as other agencies, Title 44, Chapter 33, U.S. Code." The OGC memorandum also opined that our peculiar interests, such as classification and protection of intelligence sources and methods, do not exempt the Agency from the provisions of the law.

2. When the Agency received publicity last summer relating to the destruction of certain records, the Acting Archivist of the United States reminded us in a letter that the disposal of Agency records should be handled in accordance with the National Archives and Records Service (NARS) procedures established under Title 44 of the U.S. Code. These procedures require that each Government agency provide NARS with descriptive listings of current record series maintained by the Agency so that an evaluation of their archival value can be made. While the Agency has been following this procedure to a limited degree, arrangements have now been made with NARS to fully comply with these procedures. Several NARS personnel have been cleared to work with us on their records disposition program and have already been working with the staff of CIA Records Management Officers (RMO) and selected Agency components.

3. Records management in the CIA, as in other government agencies, is governed by Records Control Schedules which describe the records and provide for their systematic flow from office use to inactive storage to final preservation or destruction as prescribed by Federal statutes and Agency needs. These Schedules are prepared by Agency

components and submitted to the CIA RMO. Here, members of his staff who are professional Records Management Officers review the Schedules to ensure compliance with pertinent statutes and regulations, then arrange for their review by NARS personnel. While concern for the security of our records must continue, I would suggest that most, if not all, of our Schedules can be prepared as unclassified documents. We should, however, be prepared to discuss our classified records with the appropriately cleared NARS personnel if necessary to assist them in their evaluation.

4. Records disposition is controlled through the Records Control Schedules and to be effective, these Schedules should be current. Unfortunately, the majority of CIA Schedules are outdated and do not accurately reflect the record series existing in Agency offices. As a result, a large volume of the records we may have identified for destruction after the Congressional Committees have completed their review of CIA activities cannot be destroyed without first obtaining approval from NARS. This includes those records which we have been told should not have been collected by the Agency.

5. We have also recently received a GSA Bulletin asking that all federal agencies (a) schedule by June 30, 1975, all records that currently are not listed on any records control schedule as well as those that are listed but have no definitely established retention period and (b) review for possible reduction the retention periods of all non-permanent records and submit to the National Archives and Records Service updated comprehensive records control schedules by December 31, 1976.

6. The solution to this problem is to completely update all Agency Records Control Schedules which were not updated in fiscal year 1975. Therefore, drafts of these Schedules should be submitted to the CIA Records Management Officers as soon as possible but no later than 30 September 1976. These will be reviewed by the RMO and NARS before the formal submission to NARS occurs. Schedules updated during fiscal year 1975 will be reviewed again by the CIA RMO and appropriate component Records Officers before submitting them to NARS for approval. Further guidance will be provided to Records Management Officers by the CIA RMO.

7. If you concur in this procedure, I have attached for your signature a memorandum to the Deputy Directors and heads of independent offices requesting the updating of Records Control Schedules for each Agency component.

/s/John F. Blake

John F. Blake

STATINTL

DDA/ISAS: :dr (12Apr76)

Distribution:

Original - DCI
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20 APR 1976

MEMORANDUM FOR: Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Administration
Deputy Director for Science and Technology
Deputy to the DCI for the Intelligence
Community
Deputy to the DCI for National Intelli-
gence Officers
Office of General Counsel
Office of Legislative Counsel
Office of Inspector General
Office of the Comptroller

FROM: George Bush
Director

SUBJECT: Disposition of Agency Records

1. As you are aware, the Agency has certain statutory obligations in the management of our records. This includes, under provisions of the United States Code, obtaining the approval of the National Archives and Records Service (NARS) for the retention and destruction of records. The code requires that NARS be provided with descriptive listings of each record series maintained by an agency so that NARS may evaluate their archival value and approve the agency's records disposition provisions. Our unique interests relating to classified records and the protection of intelligence sources and methods are accommodated through secure, classified arrangements with responsible officers of the General Services Administration and the National Archives.

2. Since our mechanism for control, retention and disposal of records is the Records Control Schedule of each Agency component, these schedules should be current, accurately reflect the records series in each component, and be processed through the DDA for approval by NARS. To the extent that this has not been done, I ask each of you to

ensure that the Records Control Schedules within your directorate or office are updated by 30 September 1976 and forwarded to the DDA for appropriate processing.

3. It is essential that these schedules be updated and approved by NARS prior to the destruction of records. Records tentatively identified for destruction may be sent to the Agency Records Center for storage pending such approval.

/s/ George Bush

George Bush

STATINTL

DDA/ISAS: :dr (12Apr76)

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